

APN 161-10-701-001

Exemption No. 2

When recorded mail to:

Southern Nevada Water Authority

Attn: Lands Department

1900 East Flamingo Rd, #170

Las Vegas, NV 89119

PERMANENT EASEMENT

THIS INDENTURE OF EASEMENT, made and entered into by and between **THE CITY OF LAS VEGAS**, a Municipal Corporation, within the State of Nevada hereinafter known as the **CITY**, and the **SOUTHERN NEVADA WATER AUTHORITY**, a political subdivision of the state of Nevada, hereinafter known as the **AUTHORITY**.

WITNESSETH:

WHEREAS, the **CITY** is the owner of that vacant parcel of land indicated on Exhibit "A" (also known as a portion of APN 161-10-701-001) (such vacant parcel of land and any improvement which may be constructed in the future are herein referred to as the "City's Property"), and

WHEREAS, the **AUTHORITY** constructed a 78-inch subterranean water line for conducting water and facilities ancillary thereto (the "improvements") on that portions of the City's Property legally described below as part of that project commonly known and referred to as "East Valley Lateral".

NOW, THEREFORE, the **CITY**, for and in consideration of the sum of One Dollar (\$1.00) lawful money of the United States and other valuable considerations to it in hand paid by the **AUTHORITY**, the receipt whereof is hereby acknowledged, does by these presents **GRANT** and **CONVEY** to the **AUTHORITY**, its successors and assigns, an easement and right-of-way for the construction, operation, maintenance, repair, renewal, reconstruction and removal of pipelines for conducting water and any facilities ancillary thereto, such as electric power, and the rights of ingress and egress, over, above, across and under that certain parcel of land described as follows:

See Exhibits "A" and "B" attached hereto and made a part hereof.

APN: 161-10-701-001

Together with the right of ingress and egress across the City's Property in order to exercise the easement rights granted herein.

The Easement granted herein is subject to the following terms and conditions:

1. No buildings, structures, or trees shall be placed upon, over or under the Easement Area for the duration of this easement except that the Easement Area may be improved and used for street, road, driveway, trail, path, parking lot, playground, non-vehicular public access, utilities, shallow root landscaping or used and improved for other purposes insofar as such use does not interfere with its use by the AUTHORITY for the purposes for which this easement is granted. Notwithstanding the foregoing, the CITY reserves the right to fence or wall the City's Property for security reasons, or in connection with any development which might occur thereon in the future in which event the CITY shall provide reasonable access to the AUTHORITY for purposes of exercising the rights granted herein.
2. The CITY may grant other easement(s) over the City's Property provided that all drawings and installations of any structure to occupy the City's Property comply with the Utility Separation Guidelines contained in Exhibit "C", which is attached hereto and made a part hereof.
3. In the event the CITY sells any portion of the Easement Area, the CITY agrees to require the Buyer(s) to comply with the Utility Separation Guidelines contained in Exhibit "C", which is attached hereto and made a part hereof.
4. The AUTHORITY agrees to defend, indemnify and hold the CITY, its officers and employees, harmless from and against any and all claims, demands, judgments, or any other form of liability which third parties may seek against, or recover from the CITY, its officers or employees as a result of, or arising out of, or in any way connected with, the acts or omissions, negligent or otherwise, of the AUTHORITY in its use of the easement granted herein or the maintenance or repair of the Improvements within the Easement Area.
5. The AUTHORITY shall be responsible for any damage to the City's Property (including without limitation, environmental contamination caused by the AUTHORITY or its agents) resulting from the acts or omissions, negligent or otherwise, of the AUTHORITY, occurring during the existence of this Easement.
6. Should any of the AUTHORITY'S facilities within the easement area be required to be relocated or repaired as a result of changes in grade or other construction within the Easement Area, the City, or its successors or assigns, shall bear the full cost of such relocation or repair, unless the changes in grade or other construction were done by third parties at the direction, request and/or with written consent of the AUTHORITY.
7. In the event that the subterranean water line is removed or relocated from the Easement Area, then this easement shall terminate and interest granted herein to the AUTHORITY shall revert to the CITY.

IN WITNESS WHEREOF, the parties have executed this document on _____ day of _____, 2007.

EXHIBIT "A"
LEGAL DESCRIPTION FOR
PERMANENT EASEMENT

That portion of the Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) of Section 10, Township 21 South, Range 62 East, MDM, Clark County, Nevada, described as follows

COMMENCING at the Northeast corner of the Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) of said Section 10;

THENCE South 89°51'16" West along the North line of said Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) of Section 10, a distance of 630.00 feet;

THENCE South 00°23'30" West parallel with and 630.00 feet Westerly of the East line of said Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼), a distance of 700.00 feet to the North line of that parcel of land described in Book 890816 Instrument No. 00450 Official Records of Clark County

THENCE South 89°51'16" West along said North line also parallel with, and 700.00 feet Southerly of the North line of said Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) of Section 10, a distance of 232.38 feet to the **POINT OF BEGINNING**;

THENCE South 89°51'16" West continuing along the previous course, a distance of 44.45 feet to a point on the Northeasterly Right of Way line of Las Vegas Wash as described by the **RIGHT OF WAY GRANT** recorded December 9, 1976 in Book 686 as Instrument No. 645536, Official Records of Clark County

THENCE North 26°00'48" West along said Northeasterly Right of Way line of the Las Vegas Wash, a distance of 380.01 feet;

THENCE South 48°30'48" East, a distance of 104.53 feet to a point lying 40.00 feet Northeasterly, measured at right angles from said Northeasterly Right of Way line of the Las Vegas Wash;

THENCE South 26°00'48" East parallel with said Northeasterly Right of Way line of the Las Vegas Wash, a distance of 302.83 feet to the **POINT OF BEGINNING**.

Containing approximately 13,657 sq. ft. and 0.3135 acres.

APN 161-10-701-001

C:\1snw0101\legals

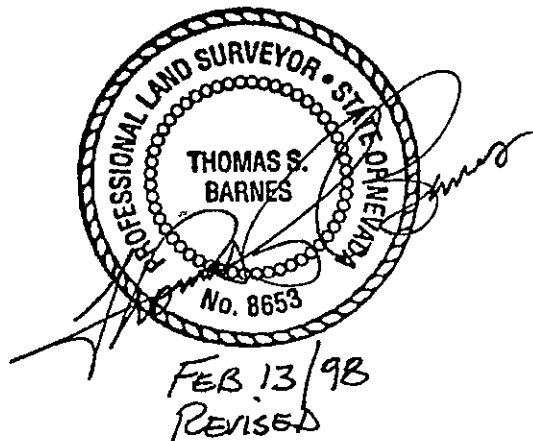


EXHIBIT "B"

LEGAL DESCRIPTION MAP FOR APN 161-10-701-001

POINT OF
COMMENCEMENT:
NE CORNER OF
THE NW 1/4 OF
THE SE 1/4 OF
SECTION 10,
T21S, R62E, MDM

TREE LINE DR.

BASIS OF BEARINGS, PER FILE 86, PAGE 79

N89°51'16"E 1344.99'

VEGAS VALLEY DRIVE

North Line NW 1/4 SE 1/4

714.99'

40'
40'

40.00'

N89°51'16"E 603.02'

North 30.00 Feet conveyed to Clark
County per Document No. 387414
South 10.00 Feet of the North
40.00 Feet conveyed to Clark
County per Document no. 362530

SCALE: 1"=100'

C 1/4 CORNER
SECTION 10,
T21S, R62E
MDM

LAS VEGAS WASH CONTROL CHANNEL
(BOOK 686, INSTRUMENT NO. 645536)

APN 161-10-701-001

353.45'

N26°00'48"W

S48°30'48"E
104.53'

733.46'

S26°00'48"E
389.01'

40.00'

302.83'

44.45'

SW CORNER
OF SUBJECT
PARCEL

POINT OF
BEGINNING

NORTHERLY LINE OF
BOOK 890616 INST NO. 00450

EAST LINE OF THE
NW 1/4 OF THE
SE 1/4 SEC. 10

232.38'

276.83'
S89°51'16"W

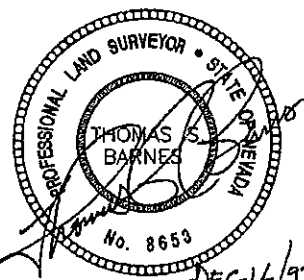
NOTES:

1. THIS EXHIBIT WAS PREPARED FROM RECORD INFORMATION DERIVED OR CALCULATED FROM THAT RECORD OF SURVEY IN FILE 86, PAGE 79.
2. THE BEARING OF NORTH 89°51'16" EAST, ALONG THE CENTERLINE OF VEGAS VALLEY DRIVE (AND THE NORTH LINE OF THE SE 1/4 OF SEC. 10) PER FILE 86, PAGE 79, WAS USED AS THE BASIS OF BEARINGS FOR THIS MAP.

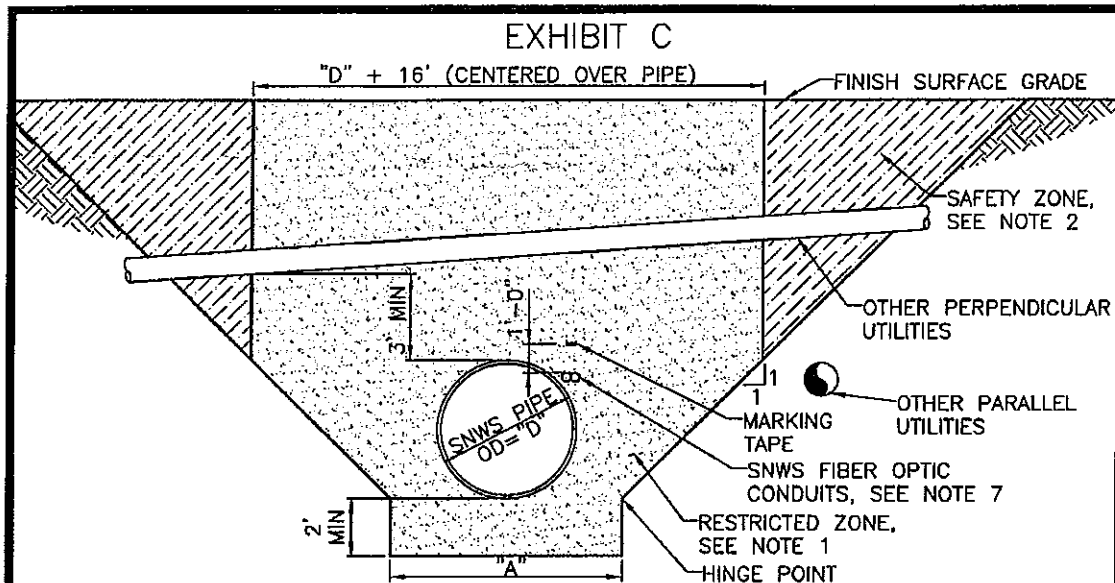
PSOMAS

Psomas and Associates
2235-B Renaissance Drive
Las Vegas, NV 89119

Engineers
Surveyors
Planners



JOB NO. 1SNW0101
DATE: DECEMBER 16, 1997
DRAWN BY: SSM
CHECKED BY: JBB



NOTES

TYPICAL CROSS SECTION DETAIL

1. **RESTRICTED ZONE:** ALL EFFORTS SHALL BE MADE TO AVOID PARALLEL UTILITIES AND APPURTENANT STRUCTURES IN THE RESTRICTED ZONE. UTILITIES MAY CROSS PERPENDICULARLY THROUGH BOTH THE SAFETY AND RESTRICTED ZONES PROVIDED THAT THE VERTICAL CLEARANCES OF 3 FEET ABOVE AND 2 FEET BELOW THE SNWS FACILITIES ARE MAINTAINED. DESIGNS THAT DO NOT MEET THE MINIMUM CLEARANCE SHALL BE COORDINATED AND APPROVED BY SNWA.
2. **SAFETY ZONE:** ALL REASONABLE EFFORTS SHALL BE MADE TO LOCATE PARALLEL UTILITIES AND APPURTENANT STRUCTURES OUTSIDE THE SAFETY ZONE. PARALLEL UTILITIES AND APPURTENANT STRUCTURES LOCATED WITHIN THIS ZONE SHALL BE DESIGNED TO MINIMIZE IMPACT ON THE MAINTENANCE ACCESS OF SNWS FACILITIES. THE BOUNDARIES OF THE SAFETY ZONE ARE ESTABLISHED BY A 1:1 SLOPE EXTENDING FROM THE HINGE POINTS OF DIMENSION "A" TO THE FINISH SURFACE GRADE ON EACH SIDE OF THE SNWS PIPELINE. THE DESIGN OF UTILITIES IN THE SAFETY ZONE SHALL BE COORDINATED AND APPROVED BY SNWA.
3. DIMENSION "D" IS EQUAL TO THE OUTSIDE DIAMETER OF THE SNWA PIPE. DIMENSION "A" IS EQUAL TO "D" PLUS 4 FEET.
4. THE SNWS PIPELINE MAY EMPLOY A CATHODIC PROTECTION SYSTEM THAT WILL MITIGATE ADVERSE IMPACTS FROM CATHODIC PROTECTION SYSTEM ON EXISTING FACILITIES. ALL OTHER UTILITIES IN THE VICINITY OF THE SNWS FACILITIES WILL BE RESPONSIBLE TO COORDINATE WITH SNWS FOR THE PROTECTION OF THEIR NEW FACILITIES FROM STRAY ELECTRICAL CURRENTS.
5. HORIZONTAL AND VERTICAL SEPARATION OF SANITARY SEWERS AND STORM DRAINS FROM POTABLE WATER FACILITIES MUST COMPLY WITH THE "DESIGN AND CONSTRUCTION STANDARDS FOR WASTEWATER COLLECTION SYSTEMS" FOR SOUTHERN NEVADA.
6. ALL POWER LINES (INCLUDING STREETLIGHT AND TRAFFIC SIGNAL CONDUIT(S)) CROSSING SNWS PIPELINE SHALL BE ENCASED IN RED CONCRETE (3000 PSI MINIMUM) FOR A MINIMUM DISTANCE OF TEN (10) FEET PAST THE OUTSIDE DIAMETER OF THE SNWS PIPELINE IN BOTH DIRECTIONS.
7. SNWS FIBER OPTIC CONDUIT PARALLELS SNWS PIPELINE WITHIN THE SAME TRENCH AS THE PIPELINE.

UTILITY SEPARATION GUIDELINE
NOT TO SCALE

1



**SOUTHERN NEVADA
WATER AUTHORITY**

DESIGN STANDARDS FOR WATER TRANSMISSION FACILITIES

**UTILITY SEPARATION GUIDELINE
GENERAL**

REVISION DATE: 5/06

SCALE: NTS

**SNWA PLATE NO:
03-04-01
SHEET 1 OF 3**